

Notice of Hearing

Use this form to send notice to the other party that a hearing has been scheduled on your motion.

(Form FOC 7)

NOTICE OF HEARING CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Fill out all requested information on the form? YES ☐
2. Make all necessary copies? YES ☐
3. File the notice of hearing form with the clerk's office? YES ☐
4. Mail (serve) a copy of the notice on the other party and on any other custodian/guardian? (**Note:** the other party must receive the notice of hearing at least 9 days before the hearing) YES ☐
5. Return to the clerk's office **after** you mailed the notice to the other party and completed the certificate of mailing? YES ☐
6. Keep one copy of the notice for yourself? YES ☐
7. Give 2 copies of the completed form to the clerk of the court? YES ☐

You must attend the hearing.

After the hearing, DID YOU . . .

1. Return to the clerk's office with all copies of the signed order? YES ☐
2. Mail (serve) a copy of the signed order on the other party and on any other custodian/guardian? YES ☐
3. Return to the clerk's office **after** you mailed the signed order to the other party and completed the certificate of mailing? YES ☐
4. Keep one copy of the signed order for yourself? YES ☐
5. Give 2 copies of the completed order to the clerk of the court? YES ☐

If you cannot answer "yes" to all of the above steps, your order may not be signed by the judge or you may not have a valid order.

If you have any questions about any step in the process, refer to pages 3 through 5 for details.

INSTRUCTIONS FOR USING FORM FOC 7 AFTER FILING A MOTION AND WHEN A HEARING IS REQUIRED

»» FILING A NOTICE OF HEARING

1. Fill out the Notice of Hearing form.

Use the instructions on the form. Be careful not to make mistakes.

Before filling out the "Notice of Hearing" part of the form, contact the friend of the court office to find out who to contact about getting a hearing date. Then contact the person or office that the friend of the court office directs you to. Fill in the form with the information you get about the hearing date, location of hearing, and name of the judge or referee who will be hearing the objection/motion.

Make at least 6 copies of the form.

2. File the Notice of Hearing form with the county clerk.

Take the 6 copies of the form to the county clerk in the county where your case is located.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and 1 copy of the notice of hearing for the court file and the friend of the court. Then the clerk will return 4 copies to you. Do not lose them.

What you should have when you leave the clerk's office:

- 1 Copy of FOC 7 - for you
- 1 Copy of FOC 7 - for other party
- 1 Copy of FOC 7 - for proof of service to the court
- 1 Copy of FOC 7 - for proof of service to the friend of the court

»» SERVING THE NOTICE OF HEARING ON THE OTHER PARTY OR PARTIES

1. Serve the Notice of Hearing on the other party.

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served with (notified of) the hearing date at least 9 weekdays (not including holidays) before the hearing date. **NOTE:** Serve the form by mailing it to the other party by regular, first class mail.

What you need for service:

- 1 Copy of FOC 7- for the other party
- 2 Copies of FOC 7 - for proof of service
- Any additional copies of FOC 7 - for another custodian or guardian
- if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy to the other party. If there is a custodian or guardian, mail 1 copy to them. Then fill out the Certificate of Mailing on the front of the remaining 3 copies. Keep 1 copy for your own records.

2. Return to the county clerk.

Once you have mailed the notice of hearing and filled out the certificate of mailing on the remaining 3 copies, return to the county clerk's office with 2 copies. Remember to keep 1 copy for your own records. The county clerk will deliver 1 copy to the friend of the court.

3. If the copy you sent to the other party is returned to you.

The hearing cannot be held until it can be proven to the court that both parties know about the hearing. If the other person's copy is returned to you, you must:

- Get the current address of the other person from the Friend of the Court or another source.
- If there are less than 9 days before the original hearing date, cancel the original hearing date and schedule a new one.
- Fill out another notice of hearing form.
- When a new address cannot be obtained, cancel the original hearing date which has been scheduled. Other ways of notifying the other party are listed in the Michigan Court Rules (MCR 2.106). A copy of the Michigan Court Rules may be available at your local library.

4. Attend the hearing.

You must attend the hearing on the motion.

» » INFORMATION ABOUT ATTENDING THE HEARING

GETTING READY FOR COURT

1. Make a list of information which you feel is important for the judge or referee to know.
2. If you feel you need to order someone to attend this hearing, follow the procedure in Michigan Court Rule 2.506 or consult with an attorney.
3. Bring any papers such as pay stubs, tax returns, unemployment records, expenses for children, etc. that you think will show the Judge or Referee why or why not a change in the ex parte order should be made. You will need to make two copies of any papers you will show to the judge or referee.
4. Read the instructions for the order form carefully and take it to the hearing with you. The order form may be filled out during or after the hearing.

ATTENDING THE HEARING

Bring 6 copies of the order form with you to the hearing. Also bring all supporting papers you have and any witnesses who are willing to testify.

1. Since you are representing yourself, you are expected to conduct yourself as an attorney would and to follow the same general rules an attorney would.
2. Make a list of information you feel is important for the referee or judge to know. The information should relate to the reasons stated in your objection/motion. You can use this list as a reminder to bring up the points you feel are important.
3. Go to the judge's courtroom or referee's hearing room on the scheduled day and time. Dress neatly. Get there 10 or 15 minutes early. Be prepared to spend most of the morning or afternoon in court. Bring any witnesses with you.
4. Go into the courtroom or referee hearing room and tell the referee or clerk (sitting near the judge's bench) your name, that you are there for a hearing, and you are representing yourself. Do not interrupt any hearing in progress. Then take a seat in the back of the courtroom and wait for your case to be called.
5. Listen carefully to what the judge or referee says during the hearing.
6. If you want to tape record the hearing, you must ask the Judge or Referee before the hearing starts.
7. The judge or referee will listen to you but do not interrupt them or the other party. Raise your hand and wait for the judge or referee to call on you before speaking.
8. When you are called, go to the podium and clearly state the following:
 - your name
 - that you are representing yourself
 - what you are objecting to or what you are requesting
 - the facts or reasons for your objection or request
 - why you believe this order would be in the best interests of the child(ren).
 - whether you have witnesses in court who are willing to testify.
10. Ask questions of the judge or referee if you do not understand the changes they have ordered.
11. Make sure you know and write down the following as appropriate:
 - When the change in the order begins (date).
 - How much the support amounts will be for 1 child, 2 children, 3 children, etc.
 - What will be the new parenting time order.
 - Who will have legal custody. Who will have physical custody. (joint, plaintiff, defendant)
 - Who is going to prepare and file the order form after the hearing.
 - Other changes ordered by the judge or referee.

STATE OF MICHIGAN
JUDICIAL CIRCUIT
COUNTY

NOTICE OF HEARING

CASE NO.

Court address

FAX no.

Court telephone no.

Plaintiff's name, address, and telephone no.

Attorney:

v

Defendant's name, address, and telephone no.

Attorney:

A hearing will be held on _____ at _____ m.,
Date Time
 at _____ before _____
Location Bar no.
☐ Judge ☐ Referee for the following purpose:

You are required to attend this hearing.

If you require special accommodations to use the court because of a disability, or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements. When contacting the court, provide your case number(s).

CERTIFICATE OF MAILING

I certify that on this date I mailed a copy of the notice of hearing by ordinary mail to the parties at the addresses stated above.

Date_____
Signature